



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 27, 1996

Ms. Vicki D. Blanton
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR96-1036

Dear Ms. Blanton:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100134.

The City of Dallas (the "city") received a request for a copy of a certain offense report. You assert that the report is excepted from public disclosure based on section 552.101 of the Government Code. Section 552.101 excepts from required public disclosure information that is made confidential law including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.*

The requested report concerns an alleged incident of sexual assault. The name of a victim of a serious sexual offense and any information that might furnish a basis for identification of the victim is protected from public disclosure based on the common-law right to privacy. *See* Open Records Decision No. 393 (1983). However, in this case the requestor is the victim. The release of the report to the victim does not implicate the victim's privacy rights. Accordingly, the city must release the report in its entirety to this requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 100134

Enclosures: Submitted documents